

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

On April 16, 2018, DEA SA Jeffrey Buckles applied for a search warrant for Kaycee Remone Heard and his luggage. (Doc. No. 1). In an affidavit submitted to the court in support of the search warrant, SA Buckles requested, amongst other things, permission to execute the search warrant day or night given the uncertainty as to when Mr. Heard would be arriving in the District of North Dakota. (Doc. No. 1-1).

The court granted the application and issued a search warrant on April 16, 2018, at 4:36 p.m. (Ex. 1). Therein it commanded that the search be executed on or before April 30, 2018, between the hours of 6:00 a.m. and 10:00 p.m. (Id.). Quickly realizing that it had neglected to authorize SA Buckles to conduct the search day or night as it had intended, the court issued a revised search warrant 14 minutes later. (Ex. 2). In doing so, it mistakenly transposed the date on which the warrant was issued for the date on which the warrant was to be executed. (Id.). In other words, it mistakenly commanded that the search warrant be executed on or before April 16, 2018. (Id.).

SA Buckles executed the search warrant on the morning of April 17, 2018, and thereafter submitted his return. (Ex. 3). Upon reviewing the return, the court noticed the scrivener's error in the revised search arrant warrant--the command to execute the search on or before April 16 as opposed to April 30, 2018. As it was clearly the court's intent to afford SA Buckles 14 days as opposed to 7 hours to execute the search warrant, the court has issued an "Amended Search Warrant

Nunc Pro Tunc" to reflect what was the court's intent in granting the warrant, i.e. a day or night search on or before April 30, 2018.

IT IS SO ORDERED.

Dated this 23rd day of April, 2018.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court